

PROCEDURAL MATTERS

- (1) In accordance with our Local Rules, all first day motions hearings will be scheduled (in coordination with the U.S. Trustee's Office) through the scheduling clerk of the Judge assigned to the case. The pleadings binder must be delivered to the Clerk's Office immediately after the case is electronically filed. If the case is filed after hours, the binder must be delivered to the Clerk's Office at 8:00 a.m. It will be delivered to the Judge once the case is assigned. We will continue the policy of notice for non-emergency motions in accordance with the Local Rules.
- (2) In mega cases (those with more than 1,000 creditors or over \$100 million in assets) the Debtor shall file with the first day motions, a proposed Order under 28 U.S.C. § 156(c) (copy attached) for consideration by the Court.
- (3) Local counsel for the Debtor is responsible for the timely filing, delivery, correctness and completeness of the Notice of Agenda and the related hearing binder. Piecemeal delivery of the Notice of Agenda (amended, etc.) and the relevant pleadings will not be tolerated. Only those items listed on the Notice of Agenda and the relevant pleadings delivered to Chambers before noon, two business days before the date of the hearing will be considered. Matters not listed will not be considered, absent compelling circumstances. Of course, if no agenda notice or related pleadings are delivered within the prescribed time limit, no matters will be heard on the designated date. Pleadings delivered to Chambers for hearing purposes should have the docket number and date filed written on the bottom right corner.
- (4) If a movant extends a noticed objection deadline, the extension shall not be later than 48 hours prior to the hearing time and shall be reflected on the Notice of Agenda. (Bankruptcy Local Rule 9006-1(c)).
- (5) One bound (but not stapled) hard copy of each proposed Order is to be handed up at the hearing for signature. (This applies to all matters on the Notice of Agenda, not just Orders which may have been revised.) All proposed Orders shall, in the caption, reference the motion and the docket number of the motion. No scan copies of proposed Orders are required.

- (6) Counsel is required to inform the Judge's Chambers immediately if the status of a matter listed on the Notice of Agenda as going forward has changed (i.e., settled or continued).
- (7) Matters which do not require a hearing but do require an order must proceed in accordance with General Chambers Policy (copy attached). If you want an order signed, you have to follow those procedures and get the relevant pleadings to Chambers (not the Clerk's Office). Everything put in the night box goes to the Clerk's Office.
- (8) Omnibus objections to claims must proceed in accordance with the new procedures (see attached).
- (9) All motions filed in adversary proceedings shall be subject to District Court Local Rule 7.1.2 (briefs and schedule). No hearing will be scheduled, unless the Court directs. Once briefing is completed, the movant shall file a "Notice of Completion of Briefing," which shall include a list of all relevant pleadings and related docket numbers.
- (10) All briefs and memoranda (in chapter cases and in adversary proceedings) must comply with District Court Local Rule 7.1.3 (form and content of briefs). No objection to, and no briefs (or memoranda) in support of, confirmation shall exceed 40 pages.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In RE

:

:

Case No.(s): _____

:

Debtor

:

**Order Pursuant to 28 U.S.C. § 156(c) Requiring Debtor to
Provide Staffing Services for Case Administration**

The Court has been informed by the Clerk of Court that this case is a 'mega case' as defined by the Judicial Conference of the United States. The Clerk of Court has conferred with Debtor's counsel on the necessity for the Debtor to provide additional staffing services to the Court in this case, due to the size and complexity of this case, the burdens it is likely to impose on the Court and its available resources and the public interest involved in appropriately allocating resources to respond to the high volume of filings and information requests anticipated in this case. Debtor through its counsel agrees that this case will have a substantial impact on the Court's operations from time to time which will require additional staffing services and does not object to the entry of this order.

Section 156(c) of Title 28 authorizes bankruptcy courts to use outside facilities or services to provide notices, dockets, calendars and other administrative information to parties in bankruptcy cases where the cost of such facilities or services are paid for out of the assets of the estate and are not charged to the United States, it is therefore:

ORDERED that the Debtor will provide staffing services not to exceed the equivalent of one full-time person to assist in matters directly related to the administration of the Debtor's case in the manner and form prescribed by the Clerk of the U.S. Bankruptcy Court during the pendency of this case.

Done and Ordered this _____ day of _____, 2001

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT DISTRICT OF DELAWARE

GENERAL CHAMBERS PROCEDURES RELATING TO ELECTRONIC DOCUMENT FILING

The following procedures are to be followed by all attorneys practicing in this Court. These procedures shall apply to all Judges hearing bankruptcy cases, unless specifically set forth in the Chambers procedures for the individual Judges or by Order.

You are also advised to consult the individual Judge's Chambers procedures found on the Bankruptcy Court's website, www.deb.uscourts.gov. The procedures below are not all inclusive and the individual Judges may set more specific or additional guidelines for practice in their respective courtrooms.

Any deliveries to Chambers must be made during normal business hours.

MATTERS ON FOR HEARING

Notice of Agenda Matters

Notices of Agenda Matters shall be filed by 12 noon, two business days prior to the hearing date, in accordance with the Local Rules of this Court.

Hearing Binders

- Hearing binders shall contain the Notice of Agenda, along with hard copies of all documents listed as going forward, with each document tabbed corresponding with the Notice of Agenda. No other index is required.
- The hard copy of each document shall contain both the docket number and the date of filing of such document, written in the lower right corner of each document.
- Hearing binders are to be delivered directly to Chambers by 12 noon, two business days prior to the hearing date, at the same time the Notice of Agenda is filed.

- Shortly after the hearing, hearing binders will be available for firms to pick up in the lobby of the respective Judge's courtrooms.

Each counsel presenting a matter is to bring to the scheduled hearing, the following:

(1) An unstapled hard copy of each proposed Order to be handed up for signature. All proposed Orders shall, in the caption, reference the motion and the docket number of the motion. The copy is to be the same as the proposed Order in the hearing binder, unless counsel advises the Court that the Order has been revised. If the proposed Order is revised, counsel shall also present at the hearing a blacklined copy showing the changes made. No scan copies of proposed Orders are required.

(2) A disk containing all proposed Orders, should counsel need to make any changes to any proposed Orders during the hearing. The disk need not be given to the Court.

MATTERS NOT REQUIRING A HEARING

All motions to which no response has been filed shall be delivered to Chambers together with a copy of the Certificate of No Objection no later than 48 hours after the answer deadline. All documents shall have attached the electronic notification of filing. Once they have been delivered to chambers, those documents need not be contained in the hearing binder, but shall be listed on the Notice of Agenda. If an order has been entered on a matter prior to the preparation of the Notice of Agenda, those matters need not be listed on the Notice of Agenda.

In addition, the following documents which seek Court approval without a hearing shall be delivered directly to Chambers immediately upon the filing of such. All documents shall have attached the electronic notification of filing. If they are not delivered to Chambers, they will not be considered.

- Motions for Admission Pro Hac Vice;
- Motions to Shorten Notice;
- Stipulations that do not require notice under Bankruptcy Rule 9019, along with any referenced motion;
- Certifications of Counsel, along with the referenced motion, and other relevant documents.

Fee Applications

If the case has adopted the Mariner administrative fee procedure, Certificates of No Objection to the monthly statements shall be filed but not delivered to Chambers. When the fee applications are scheduled on a quarterly basis in accordance with that administrative fee procedure, copies of the Certificates of No Objection and their respective fee applications shall be included in the hearing binders.

NEW PROCEDURES FOR OMNIBUS OBJECTIONS TO CLAIMS

Where the Debtor (or Creditors' Committee) files an Omnibus Objection to Claims, the following procedures will apply:

1. If the Objection is on a non-substantive basis that is clearly apparent from the claims docket (i.e., duplicate claims, amended or superseded claims, late-filed claims), copies of the proofs of claim need not be provided to the Court.
2. Where the Objection is that the proof of claim does not contain any invoices or other documents supporting the claim, a declaration to that effect (together with a hard copy of the proof of claim) shall be filed with the Court at the time the Objection is filed.
3. Where the Objection is based on substantive grounds, the Objection must include a declaration giving sufficient detail of the specific objection to each claim.
4. At least 48 hours before the hearing on an objection based on substantive grounds, a Notice of Submission of Copies of Proofs of Claim is to be electronically filed stating that copies of the claims together with all their attachments have been delivered to Chambers with the hearing binder and that copies can be requested from the Debtor's attorneys.
5. Any claimant may participate pro se and telephonically in a hearing on the Objection to proofs of claim by calling Chambers at least 24 hours prior to the scheduled hearing time. If more than one party is appearing, the Debtor's local counsel shall conference all interested parties and place one call to the Court.
6. Where a hearing on an objection to a claim will involve substantial time, the Court may schedule it for a separate hearing date.